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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MUSA UTHMAN, an Individual

Case No.:

Plaintiff,

v.

MAGNETEK, INC., a foreign corporation;
COLUMBUS MCKINNON CORPORATION, a
foreign corporation; ERGO ROBOTIC
SOLUTIONS, LLC, a foreign corporation; LAS
VEGAS CONVENTION AND VISITORS
AUTHORITY, a political subdivision of the
State of Nevada; COUNTY OF CLARK, a
political subdivision of the State of Nevada;
DOES I through X, inclusive; ROE
Corporations I through X, inclusive;

**NOTICE OF REMOVAL OF ACTION
(DIVERSITY)**

Defendants.

COME NOW, Defendant ERGO ROBOTIC SOLUTIONS, LLC ("Removing Defendant"), by and through its attorneys of record LITCHFIELD CAVO LLP, and hereby removes to this Federal Court the State Court action described below, and in support states as follows:

1. On November 18, 2021, an action was commenced in the Eighth Judicial District Court, Clark County, State of Nevada, entitled *Musa Uthamn v. Magnetek, Inc., et al.*, Case No. A-21-844282-C. A copy of the Complaint is attached hereto as Exhibit A.

2. On March 31, 2022, Ergo Robotic Solutions, LLC filed an Answer. See Exhibit B.

1 3. On April 13, 2022, County of Clark filed a Motion for Summary Judgment.

2 4. On May 2, 2022, Las Vegas Convention and Visitors Authority filed a Motion to
3 Dismiss.

4 5. On May 13, 2022, Magnetek, Inc. and Columbus McKinnon Corporation filed an
5 Answer. *See* Exhibit C.

6 6. On May 23, 2022, the court signed an order granting County of Clark's Motion for
7 Summary Judgment. A copy of the signed Order is attached as Exhibit D.

8 7. On June 2, 2022, Las Vegas Convention and Visitors Authority Motion to Dismiss was
9 granted. A copy of the Minute Order is attached as Exhibit E.

10 8. This is a civil action which this Court has original jurisdiction under 28 U.S.C. §1332,
11 as there is complete diversity between the parties based on the dismissal of County of Clark and Las
12 Vegas Convention and Visitors Authority. In addition, upon information and belief the amount in
13 controversy exceeds \$75,000, exclusive of interest and costs. Accordingly, pursuant to 28 U.S.C.
14 §1441, Removing Defendant is entitled to remove this action to Federal Court.

15 9. The amount in controversy in this action exceeds the sum of \$75,000. This case arises
16 out of an alleged workplace accident in Las Vegas, Nevada. Plaintiff asserts that at the time of the
17 accident, he was elevated on a scissor lift assisting in installing a large window at the Las Vegas
18 Convention Center. Another employee was using equipment allegedly manufactured by defendants to
19 maneuver glass. The employee operating the equipment intended to press one button, but mistakenly
20 pressed the wrong button causing the glass to strike the scissor lift. The scissor lift was knocked over
21 as a result of the impact while Plaintiff was on that piece of equipment. Plaintiff alleges he sustained
22 personal injuries. He claims approximately \$50,000 in medical bills, lost wages, as well as pain and
23 suffering. Plaintiff seeks to recover in excess of \$75,000, exclusive of interest and costs.

24 10. Upon information and belief, Plaintiff is, and during all relevant times was, a resident
25 of the State of the Nevada. Defendant Ergo Robotic Solutions, LLC is, and was at the time this action
26 commenced, a corporation organized and existing under the laws of the State of New York, with its
27 principal place of business in the State of New York. Upon information and belief, Defendant
28 Magnetek, Inc. is, and was at the time this action commenced, a corporation organized and existing

under the laws of the State of Delaware, with its principal place of business in the State of Wisconsin. Upon information and belief, Defendant Columbus McKinnon Corporation is, and was at the time this action commenced, a corporation organized and existing under the laws of the State of New York, with its principal place of business in the State of New York. Accordingly, there is complete diversity between Plaintiff and the remaining defendants.

11. The action in the state court was not commenced more than one year before the date of this removal.

12. As Las Vegas Convention and Visitors Authority's Motion to Dismiss was granted on June 2, 2022, this Notice of Removal is timely filed, pursuant to 28 U.S.C. § 1446(b)(3). That particular section states, in relevant part, that "if the case stated by the initial pleading is not removable, a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an... order or other paper from which it may first be ascertained that the case is one which is or has become removable."

13. Pursuant to 28 U.S.C. § 1446(b)(2)(A), the undersigned counsel has obtained consent for the removal from defendants Magnetek, Inc. and Columbus McKinnon Corporation.

14. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings and orders served upon Defendants in this action are attached hereto as Exhibit F.

15. A true and correct copy of this Notice of Removal will be filed with the Clerk for the Eighth Judicial District Court, Clark County, Nevada pursuant to 28 U.S.C. § 1446(d).

Based on the foregoing, Defendant Ergo Robotic Solutions, LLC removes this action, which is currently pending in the Eighth Judicial District Court, Clark County, Nevada as Case No. A-21-844282-C to Federal Court.

Dated: June 15, 2022

LITCHFIELD CAVO LLP

By: 

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